

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(Lynchburg Division)**

In re: Carolyn L. France)	Bankruptcy No. 14-61894
Debtors)	Chapter 13

BMO HARRIS BANK, N.A.)
f/k/a Harris Bank, N.A.)
successor to First Indiana Bank)
)
Movant)
)
v.)
)
CAROLYN L. FRANCE)
HERBERT L. BESKIN)
Trustee)
)
Respondents)

NOTICE OF HEARING FOR RELIEF FROM STAY

BMO Harris Bank, N.A. has filed papers with the court to obtain relief sought in its motion.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant relief in the motion and lift the automatic stay, or if you want the court to consider your views on the motion, then on or before 14 days from date of mailing of this notice, or no later than January 13, 2014, you or your attorney must:

[x] File with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
1101 Court St., Room 166
Lynchburg, VA 24504

You must also mail a copy to:

Matthew D. Huebschman, Esq.
SHENANDOAH LEGAL GROUP, P.C.
Post Office Box 75
Roanoke, Virginia 24010-0075

Herbert L. Beskin, Trustee
P O Box 2103
Charlottesville, VA 24502

Stephen E. Dunn, Esq.
201 Enterprise Drive, Suite A
Forest, VA 24551

Attend the hearing on the motion (or objection) scheduled to be held on January 29, 2014 at 9:30 a.m., at the United States Bankruptcy Court, **US Courthouse, Rm 210 1101 Court St., Lynchburg, VA 24504**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting the relief.

Date: December 30, 2014

/s/ Matthew D. Huebschman
Matthew D. Huebschman, Esq. (VSB# 44181)
Of Counsel to BMO Harris Bank, N.A.
SHENANDOAH LEGAL GROUP, P.C.
Post Office Box 75
Roanoke, Virginia 24010-0075
(540) 344-4490
mhuebsch@shenlegal.com

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing was mailed by first class, postage prepaid, on December 30, 2014 to the following:

Herbert L. Beskin, Trustee
P O Box 2103
Charlottesville, VA 24502

Stephen E. Dunn, Esq.
201 Enterprise Drive, Suite A
Forest, VA 24551

Carolyn L. France
100 Capstone Drive
Unit 306
Lynchburg, VA 24502

Office of the United States Trustee
210 First Street, Suite 505
Roanoke, VA 24011

/s/ Matthew D. Huebschman
Attorney for Movant

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HERBERT L. BESKIN)
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MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW BMO Harris Bank, N.A. , (hereinafter referred to as "Movant"), and moves the Court for relief from the automatic stay pursuant to U.S.C. §362 (d) on following described real property, to-wit:

That certain tract or parcel of land, situate, lying and being in the Elon Magisterial District of Amherst County, Virginia, containing 2.622 acres more or less, which said tract of land is described according to a plat entitled "RE-SURVEY PROPERTY SURVEY FOR JEFFREY P. & CAROLYN L. FRANCE, ELON MAGIST. DIST., AMHERST COUNTY< VIRGINIA", dated November 29, 1994, revised May 23, 1995, made by William S. Callahan, Certified Land Surveyor which plat is recorded in Deed Book 717, page 270.

The property hereby conveyed is the same identical real estate conveyed unto Jeffrey P. France and Carolyn L. France, husband and wife, by deed dated December 29, 1994, frin Keibard B, France and Leah C. France, husband and wife, and recorded in the Clerk's Office of the Circuit Court of Amherst County, Virginia in Deed Book 691, at Page 259, to which said deed and the references therein made further reference is here made for a more particular description of the property hereby conveyed.

1. Movant is the owner, and holder of a deed of trust on the above described real and/or property, which was executed on or April; 14, 1999.
2. This is a motion pursuant to 11 U.S.C. Sec. 362 (d) and Fed. R. Bankr. P. 4001 seeking relief from the automatic stay in bankruptcy.

3. The Debtor, Carolyn L. France, filed the present petition on October 1, 2014.
4. The Debtor has defaulted in the payments due under the terms of the deed of trust in this case.
5. There is due and owing to Movant on the above described real property the sum of \$60,908.05, together with interest, costs and attorney's fees.
6. Debtors remain in title and appears to have a vested interest in the property.
7. Debtors are unable or unwilling to provide adequate protection to Movant and the automatic stay is resulting in a decrease in the value of Movant's interest in the subject property.

NOTICE

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the Court to grant the relief sought in this motion, or if you want the court to consider your views on the motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court and serve a copy on the movant, BMO Harris Bank, N.A. , c/o Shenandoah Legal Group, P.C. Unless a written response is filed and served within this fifteen day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice of hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will received it on or before the expiration of the fifteen day period.

You will be notified separately by the Clerk of the hearing date on the motion.

WHEREFORE, BMO Harris Bank, N.A. moves the Court for relief from the automatic stay pursuant to 11 U.S.C. §362 to permit Movant to seek relief under state law remedies of the sale of the property and application of the proceeds to the indebtedness, and for such other and further relief as may be necessary and just.

Respectfully submitted,
BMO HARRIS BANK, N.A.

By: /s/ Matthew D. Huebschman
Of Counsel

Matthew D. Huebschman, Esq. (VSB# 44181)
Of Counsel to Plaintiff
SHENANDOAH LEGAL GROUP, P.C.
P.O. Box 75
Roanoke, VA 24002
(540) 344-4490
mhuebsch@shenlegal.com

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing was mailed by first class, postage prepaid, on December 30, 2014 to the following:

Herbert L. Beskin, Trustee
P O Box 2103
Charlottesville, VA 24502

Stephen E. Dunn, Esq.
201 Enterprise Drive, Suite A
Forest, VA 24551

Carolyn L. France
100 Capstone Drive
Unit 306
Lynchburg, VA 24502

Office of the United States Trustee
210 First Street, Suite 505
Roanoke, VA 24011

/s/ Matthew D. Huebschman
Attorney for Movant